

# Commercial Licensing - Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019 and Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019

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## Local Law No. 3 (Commercial Licensing) 2013 and Subordinate Local Law No. 3.1 (Commercial Licensing) 2013

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This document relates to Council's current *Local Law No. 3 (Commercial Licensing) 2013* and *Subordinate Local Law No. 3.1 (Commercial Licensing) 2013* whose objective is to ensure that a licensed regulated activity doesn't result in harm to health, safety or the environment; property damage; or a loss of amenity. It also ensures the operation of a licence regulated activity complies with the Local Government Acts that regulate the licence regulated activity by subjecting the licence regulated activity to an inspection, monitoring and enforcement regime.

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## Have your say

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Council has reviewed the existing laws and is seeking your feedback on the proposed amendments.

The consultation period will be from 6.00 am on Wednesday 17 July to 6.00 am on Wednesday 7 August.

To have your say a written submission must be received supporting or objecting to the proposed local laws on or before the last day of the consultation period stating:

- your personal details
- The grounds for your submission (if you support/object to the proposed amendments)
- The facts and circumstances relied on in support of the grounds (the reasons why you support/object the proposed amendments)

The submission can be made by visiting [ipswich.qld.gov.au/locallawreview](http://ipswich.qld.gov.au/locallawreview) and

- electronically using the 'Have Your Say' link which will be available from 6.00 am on Wednesday 17 July to 6.00 am on Wednesday 7 August
- or completing the form provided and
  - delivering to council's Administration Building at 45 Roderick Street, Ipswich during office hours
  - send to council at PO Box 191, Ipswich QLD 4305

All submissions must be formally received at Council no later than 6.00 am on Wednesday 7 August.

To review a copy of *Local Law No. 3 (Commercial Licensing) 2013* and *Subordinate Local Law No. 3.1 (Commercial Licensing) 2013* and the amending laws please visit [ipswich.qld.gov.au/locallawreview](http://ipswich.qld.gov.au/locallawreview) or collect a copy from council's Administration Building at 45 Roderick Street, Ipswich during office hours.

Note: you will need to read the amending laws in conjunction with the existing laws.

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## Local law review

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The local law review has resulted in the preparation of *Local Law (Amending) Local Law No. 3 (Commercial Licensing) 2019* and *Subordinate Local Law (Amending) Subordinate Local Law No. 3.1 (Commercial Licensing) 2019*. It is noted that there have been anti-competitive provisions identified in the amended laws and as such a public interest test will be conducted as part of the public consultation process.

A review has been conducted and drafting undertaken to:

- a. correct typographical errors and inconsistencies; and an improved layout and formatting to the law to assist with greater readability;
- b. clearer requirements of what is required in the application and approval process;

- c. Inclusion of clearer and more detailed standard conditions on licences to assist applicants understand requirements of the activity.
- d. Clearer minimum standards provided for temporary advertising devices including the ability to now have illuminated signage for some types of signs, plus the inclusion of a new sign type 'Street Pole Banners' to promote key strategic messages/events of the City;
- e. Other key amendments/inclusions listed in the table below.

Related Section	What is changing?	Why is it changing?	Enforcement expectations
<b>New Section 5A - minimum standards for licence regulated activity.</b>	Council may, in a subordinate local law, prescribe minimum standards for a licensed regulated activity (in addition to conditions on a licence itself); or if the activity is exempt from requiring a licence then minimum standards will apply regardless.	This addition allows Council to determine that there may be certain activities that don't require a licence (or approval) from Council to undertake but that there be a minimum standard be complied with to ensure protection of health, safety, environment etc. Local Law 3 didn't have these powers previously but they have existed in other laws eg there are minimum standards for keeping animals in certain circumstances that don't require a permit. The amended Subordinate Local Law 3.1 will detail those activities that need to meet the minimum standards.	Activities that will be bound by minimum standards only (that is, no additional licences are required) will be enforced on complaint only or if witnessed by an authorised officer. Minimum standards allow for activities to be self-regulated.
<b>Insertion of a new 6A - request for further information.</b>	More prescriptive terms for Council and the applicant when applications are being made and requests for further information are made by Council (notice requirements for Council to undertake) and that if requested information is not provided on time that the application lapses.	The changes provide more clarity on the expectations of what Council is to do for the application when applications are made and additional information is needed. Previously if additional information was requested and wasn't provided the Council could refuse the application. The changes mean that the application actually lapses (as it hasn't been properly made in the first place) and that Council must provide a notice stating this. This change should provide greater clarity and transparency on the application process for licences.	This change is administrative in nature and Council business processes and systems will need to be updated to ensure notices are issued at the appropriate junctures for the customer/ applicant.
<b>Insertion of new Section 12A - Procedure for immediate suspension of a licence</b>	Gives Council the ability to immediately suspend a licence if the Council believes that continuation of the activity by the licence holder poses an urgent and serious threat to public health or safety; or urgent and serious risk of property damage or loss of amenity	This provision was inadvertently omitted from previous drafting of Council's laws in 2013. Similar provisions exist in other Council's laws.	Council will always aim to work with Licensees to ensure health, safety, amenity and property are protected. This provision would only be used in extreme and required circumstances.
<b>Addition of a new licensed regulated activity in Schedule 2 (Licensed Regulated Activities) - Pet Daycare</b>	Pet day care means a service undertaken on a commercial basis, involving the temporary minding of pet animals at a premises, of no more than 10 animals at a time, but does not include overnight care, a veterinary clinic use or a service that solely relates to animal grooming.	The growth of pet ownership and the value that owners place on their beloved pets means that new markets have emerged to cater for 'pet minding' while people are at work etc. Council's current licence types didn't cater for this specific type of activity. This new licence type doesn't negate the fact that other approvals may be required depending on the location of the commercial activity (eg planning approval).	The creation of this licence type will require associated administrative and promotional work (new forms, updated website etc). Enforcement will be on complaint only.